

Department of Ecology Director Jay Manning submitted this guest commentary to the Ellensburg Record and Yakima Herald-Republic to provide clarity on why a temporary moratorium has been placed on groundwater pumping in upper Kittitas County.

7/24/09 – Ellensburg Record Guest Commentary

Moratorium protects resource

By Jay J. Manning

I am writing to offer your readers clarity on why Upper Kittitas County has been temporarily closed to new well drilling. It was a difficult action to take, but one we felt compelled to make in light of the broader concerns facing the greater Yakima Basin.

The Department of Ecology is committed to sound water management in the Yakima Basin where competition is fierce over a finite resource. Since 2000, water has been rationed to surface water users at least three times, and those with water rights later than a 1905 priority date have been curtailed. For example, the city of Roslyn is under a permanent court order to shut off their water when this rationing occurs.

The proliferation of so-called “exempt wells” for housing developments built at the headwaters of the Yakima River — more than 3,000 drilled in Kittitas County since 1998 — has caused significant concern that an already water-short basin is being stretched to the breaking point.

Two years ago, citizens filed a petition with Ecology, asking us to close the groundwater to further pumping. Instead we chose to work with Kittitas County in an attempt to find middle ground — to allow for some new development under the exempt well provision, provided conditions were put in place to protect the rights of senior surface and groundwater users, streamflows and junior water users, including future homeowners relying on exempt wells.

The exempt well provision was intended to allow homesteaders to have access to water without requiring a permit, but does not exempt those withdrawals from regulation to protect senior water rights under the legally required principle of “first in time is first in right.”

We entered into negotiations with the county, offering an approach that would limit where exempt wells may be drilled and how much water could be pumped. Our proposal included metering and mitigation requirements to avoid impacting senior water rights. In addition, a study authorized by the Legislature will help us to better understand the connection between groundwater and surface water.

At times we felt an agreement with the county was close at hand, but ultimately we were unable to agree to basic requirements, let alone the details. Faced with missed deadlines and mixed signals, we simply had no choice but to put in place a temporary closure of groundwater in the upper county to protect current and future water users.

We still believe our proposal is reasonable in a basin where drought and water shortages are, unfortunately, becoming more common. We remain willing to finalize an agreement based on a partnership with Kittitas County, if there is a willingness to work in good faith on a solution.

We have received positive signals from the county regarding its interest in renewing negotiations. Until a final agreement is in place, we will work with property owners and developers to determine whether the emergency closure applies to them and, if so, to identify affordable and timely mitigation options. Ultimately, we must find water solutions that successfully protect and support the economic and environmental vitality of our farms, fisheries and communities, not just today but for generations to come.

Jay J. Manning is the director of the Washington state Department of Ecology.

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